

From: Ulysses T. Ware (#38)

To: Office of the District Clerk (SDNY)

Date: July 9, 2021

RE: Filing the enclosed pleadings on the 04cr1224 (SDNY) and 05cr1115 (SDNY) dockets.

Please file the enclosed **pleading** and please properly and correctly identify the enclosed as a pleading:

Letter dated July 9, 2021, to Chief Judge Laura Taylor Swain re: Reassignment of former District Judge William H. Pauley, III (deceased) pending matters in ***United States v. Ware***, 04cr1224 (SDNY) and 05cr1115 (SDNY), (the “**Ware Judicial and Prosecutorial Misconduct Cases**”)

on the applicable dockets.

In the future, please serve Mr. Ware via email at [utware007@gmail.com](mailto:utware007@gmail.com) with a copy of the Government’s filings, as well as all of your orders or directives entered in this matter, due to the slowness of the U.S. Mail.

/s/ Ulysses T. Ware

**Case Nos. 04cr1224 (SDNY) and 05cr1115 (SDNY) (#38)**

Submitted on July 9, 2021, by email to: Temporary\_Pro\_Se\_Filing@nysd.uscourts.gov

/s/ Ulysses T. Ware

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Ulysses T. Ware, individually, and as  
the legal representative for the estate  
of third-party surety Mary S. Ware.  
123 Linden Blvd., Suite 9-L  
Brooklyn, NY 11226  
(718) 844-1260 phone  
[utware007@gmail.com](mailto:utware007@gmail.com)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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**United States of America, et al.,  
Plaintiff, Petitioner,  
Cross Respondent,**

**v.**

**Ulysses T. Ware, et al.,  
Defendant, Respondent,  
And Cross Petitioner.**

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Letter dated July 9, 2021, to Chief Judge Laura Taylor Swain re: Reassignment of former District Judge William H. Pauley, III (deceased) pending matters in ***United States v. Ware***, 04cr1224 (SDNY) and 05cr1115 (SDNY), (the “**Ware Judicial and Prosecutorial Misconduct Cases**”).

**Certificate of Service**

**I Ulysses T. Ware certify that I have this 9th day of July 2021 served the persons listed below with a copy of this pleading:**

AUSA Jeffrey R. Ragsdale, Counsel DOJ’s Office of Professional Responsibility  
AUSA Melissa Childs, AUSA John M. McEnany, Acting USA Audrey Strauss  
USAG The Hon. Merrick Garland

## Office of Ulysses T. Ware

123 Linden Blvd.  
Suite 9-L  
Brooklyn, NY 11226  
(718) 844-1260  
[utware007@gmail.com](mailto:utware007@gmail.com)

July 9, 2021

### Time of the essence

The Honorable Chief Judge Laura Taylor Swain  
United States District Court (SDNY)  
U.S. Courthouse  
500 Pearl St.  
New York, NY 10007

RE: Reassignment of former District Judge William H. Pauley, III (deceased) pending matters in ***United States v. Ware***, 04cr1224 (SDNY) and 05cr1115 (SDNY), (the “**Ware Judicial and Prosecutorial Misconduct Cases**”).

Dear Chief Judge Swain:

I am writing this inquiry in regard to the above Ware Judicial and Prosecutorial Misconduct Cases that were currently pending before Judge Pauley before his untimely death. On July 6, 2021, Mr. Ware sought emergency relief in an application for a Kordel evidentiary hearing (Dkt. 277) where Judge Pauley was a named **unindicted co-conspirator** in the knowing, willful, and bad faith criminal concealment and suppression of dispositive material Brady exculpatory and exoneration evidence willfully concealed by the USAO in violation of written Brady disclosure court orders. A criminal violation of 18 USC 401(2), and 401(3), criminal contempt.

Judge Swain this matter is of the utmost importance to Mr. Ware who has, is, and will continue to suffer irreparable harm unless this pending emergency matter is immediately adjudicated on the merits. Accordingly, Mr. Ware is requesting that you, as the Chief District Court Judge, intervene in the interest of justice and immediately assign the Ware Judicial and Prosecutorial Misconduct Cases to an impartial and unbiased district court judge for emergency processing pursuant to your supervisory powers.

Also currently pending before Judge Pauley is (i) Dkt. 250, the Government's bogus, frivolous, vexatious, bad faith, filed for an improper purpose motion, **per se** prosecutorial misconduct in filing and arguing statutorily barred and prohibited<sup>1</sup> claims; (ii) Mr. Ware's opposition to Dkt. 250, cross **Rule 46(g) motion**<sup>2</sup> to exonerate cash bail, and challenge to the Court's Article III subject matter jurisdiction<sup>3</sup>; (iii) Mr. Ware's application for Rule 11(c), 28 USC 1927, and inherent power sanctions proceeding against the Government's lawyers; (iv) Mr. Ware's Rule 33 motion for a new trial based on the willful and intentional concealment and suppression of material Brady exculpatory and exoneration evidence and Rule 42(b) motion to show cause for willful civil and criminal contempt (Dkt. 263) which the Government has not filed any response in opposition; and lastly, (v) Mr. Ware's July 6, 2021, **Emergency Application** for a Kordel evidentiary hearing (Dkt. 277) which the Government was served on July 6, 2021, but no response has been filed as of July 8, 2021.

Judge Swain the Government has ostensibly taken the irrational prosecutorial litigation position of no response in opposition, a concession to the claims and contentions in Mr. Ware's filings, which legally suggest and imply that the Government lacks any good-faith non-frivolous opposition facts or law to overcome Mr. Ware's claims and contentions. An untenable position for the Government and former Judge Pauley. The Government being the plaintiff in 04cr1224 and 05cr1115 has the constitutional and statutory (28 USC 547) burden of proof to establish standing and the court's subject matter jurisdiction (Article III and 18 USC 3231) over its pending per se frivolous claims, and over the charges in its indictments. That the Government cannot legally do, a legal impossibility.

Mr. Ware is requesting, due to the emergency nature of the ongoing pending proceedings, and the indisputable fact that Mr. Ware has, is currently, and will continue to suffer irreparable harm if these matters are not immediately addressed, that you in your official supervisory capacity as Chief Judge have former Judge Pauley's pending matters concerning the

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<sup>1</sup> The Government's motion asserted 28 USC 2044 which is inapposite to a "third-party surety" and 18 USC 3613(a)(1) requires that all collection must be commenced within "ten years" (i.e., 2017 and 2019, respectively) from assessment of the fine, restitution order, or other criminal assessment. All **per se** statutorily moot, and thus, **per se** frivolous, bad faith, baseless in law and fact, vexatious, and filed for an improper purpose in violation of Rule 11(c) and 28 USC 1927.

<sup>2</sup> Mr. Ware voluntarily surrendered on November 27, 2007, which the Government conceded in its Dkt. 250, and thus, all conditions of bail were satisfied, which required the district court (Pauley, J.) to exonerate all cash bail deposited by third-party surety Mary S. Ware (\$25,000.00), conceded by the Government in its June 24, 2021, letter, Dkt. 272.

<sup>3</sup> The district court currently and has lacked all Article III and statutory subject matter jurisdiction over its proceedings that are null and void ab initio; the Government lacked all probable cause to initiate and failed to charge justiciable "offenses" in its bogus and fraudulent indictments as required by 18 USC 3231.

above matters reassigned immediately to an impartial and unbiased district judge for processing on the merits. Mr. Ware respectfully asks that you notify the parties of the case reassignment so that these matters can be immediately addressed.

If the Court has any questions the undersigned can be reached at (718) 844-1260, via email: [utware007@gmail.com](mailto:utware007@gmail.com), or at the above address.

Sincerely,

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/s/ Ulysses T. Ware

Cc: AUSA Melissa Childs, acting USA Audrey Strauss, AUSA John M. McEnany, Jeffrey R. Ragsdale, Counsel, DOJ's Office of Professional Responsibility.  
The Hon. USAG Merrick Garland

## Exhibit #1

Offices of Ulysses T. Ware  
123 Linden Blvd.  
Suite 9-L  
Brooklyn, NY 11226

Mailed on July 9, 2021  
US v. Ware, 04cr1224 and  
05cr1115 (SDNY) Reassignment

The Hon. Chief Judge Laura Taylor Swain  
(#38)  
US District Court (SDNY)  
US Courthouse  
500 Pearl St.  
New York, NY 10007



Offices of Ulysses T. Ware  
123 Linden Blvd.  
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Brooklyn, NY 11226

Mailed on July 9, 2021  
US v. Ware, 04cr1224 and  
05cr1115 (SDNY) Reassignment



The Hon. Merrick Garland (05cr1115 SDNY)  
(#38)  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Ave.  
Washington, D.C. 20530